

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D. C. 20554

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DEC - 8 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 92-218
Table of Allotments	)	RM-8053
FM Broadcast Stations	)	RM-8054
(Olathe, Topeka and	)	RM-_____
Silver Lake, Kansas)	)	

To: Chief, Allocations Branch  
Policy and Rules Division

**REPLY COMMENTS OF BOTT BROADCASTING COMPANY**

Bott Broadcasting Company ("Bott"), permittee of Station KCCV-FM, Olathe, Kansas, hereby replies to the counterproposal filed herein on November 20, 1992, by New Horizons Educational Foundation, Incorporated ("New Horizons"). In reply, the following is stated:

New Horizons proposes the allocation of Channel 257A to Silver Lake, Kansas instead of to Topeka, as proposed in the Notice of Proposed Rulemaking and Order to Show Cause, 7 FCC Rcd 6367 (M. Med. Bur. 1992). Bott's upgrade on Channel 222C3 at Olathe depends upon the availability of Channel 257A as a substitute for Channel 223A, which currently is assigned to the construction permit of Margaret Escriva's ("Escriva's") Station KESC, Topeka. On November 23, 1992, Bott and Escriva filed a joint request for approval of a

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settlement agreement between them. Pursuant to the settlement, Escriva is dismissing her proposal (RM-8054) for substitution of Channel 223C3 for Channel 223A at Topeka, and states her willingness to accept the substitution of Channel 257A for Channel 223A. No other pleadings or counterproposals were submitted by the November 23 deadline.

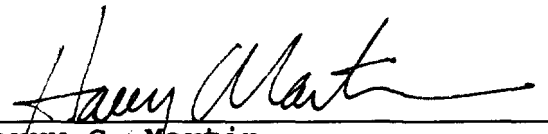
The attached engineering study, prepared by Bott's consultants (Suffa and Cavell, Inc.) demonstrates that Channel 223A may be allotted to Silver Lake at the city's reference coordinates and still be fully spaced to Bott's reference coordinates for its Channel 222C3 upgrade at Olathe. Thus, New Horizon's request for a Class A channel can be accommodated consistent with the settlement between Bott and Escriva that was filed November 23. This solution will obviate the need for further litigation concerning the parties' respective proposals, will result in the allocation of Silver Lake's first local service and permit the upgrade of Station KCCV-FM on Channel 222C3. As indicated in the attached engineering statement, this upgrade will extend KCCV-FM's service to an additional 585,219 persons within an area of 2563 square kilometers.

WHEREFORE, These matters considered, it is respectfully requested that the Commission approve the Settlement Agreement between Bott and Escriva, allot Channel 223A to Silver Lake, Kansas, allot Channel 222C3 to Olathe, Kansas, substitute Channel 257A for Channel 223A at Topeka, Kansas, modify Escriva's

construction permit for Station KESC accordingly, and terminate this proceeding.

Respectfully submitted,  
BOTT BROADCASTING COMPANY

By:

  
Harry C. Martin  
Its Attorney

Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

December 8, 1992

## ENGINEERING STATEMENT

prepared for  
**Bott Broadcasting Company**  
KCCV-FM Olathe, Kansas  
**MM Docket No. 92-218**

This engineering statement supports reply comments in MM Docket No. 92-218 by Bott Broadcasting Company. Specifically, Bott responds to a counterproposal by New Horizons Educational Foundation, Incorporated which requests allotment of channel 257A to Silver Lake, Kansas. Bott has requested substitution of channel 257A for 223A, now authorized for use by KESC at Topeka, Kansas, in order to accommodate the upgrade of KCCV-FM, Olathe to channel 222C3. The allotment of channel 257A at Silver Lake would prohibit substitution of this channel for 223A at Topeka, and would therefore be mutually exclusive with the Olathe upgrade.

Bott proposes that channel 223A (the channel which Bott has proposed to delete at Topeka) be allotted to Silver Lake instead of channel 257A. Channel 257A could then be substituted for KESC's present channel 223A at Topeka, as Bott originally requested. This would provide a first local FM service at Silver Lake while still allowing the upgrade of KCCV-FM, Olathe to channel 222C3. The changes in the Table of Allotments would be as follows:

	<u>Present</u>	<u>Proposed</u>
Silver Lake, KS	---	Ch 223A
Topeka, KS	223A, 247C, 262C, 295C, 299C	247C, 257A, 262C, 295C, 299C
Olathe, KS	222A	222C3

The allocation study attached as Figure 1 shows that channel 223A meets all separation requirements at the Silver Lake reference coordinates.

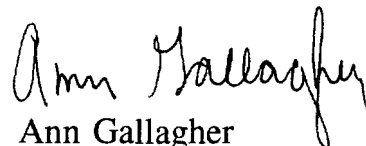
## Engineering Statement

Figure 2 shows the present (class A) and proposed (class C3) coverage of KCCV-FM, Olathe. The class C3 60 dBu contour is based on assumed maximum class C3 facilities of 25 kilowatts at 100 meters above average terrain. The class A 60 dBu contour shown for KCCV-FM was determined using the greater of actual facilities or 3 kilowatts at 100 meters above average terrain.<sup>1</sup> KCCV-FM is authorized to operate with 6 kilowatts at 88 meters above average terrain. Therefore, actual facilities were used to compute class A coverage. Consistent with Allocations Branch policy, uniform terrain was assumed; the contours are therefore circular.

Population within KCCV-FM's gain area was counted by a computer program which determines distances to the centroids of census blocks and adds the populations of those blocks inside the contour. The program uses 1990 Census data.

The upgrade of KCCV-FM would provide an additional service to 585,219 persons within 2,563 square kilometers. This represents an increase of 87 percent in population served. Moreover, KCCV-FM's upgrade is compatible with allotment of channel 223A to Silver Lake as that community's first local service.

I, the undersigned, declare that this exhibit was prepared by me or under my direction, and that the information it contains is true. My qualifications before the Commission are a matter of record.

  
Ann Gallagher

December 4, 1992

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<sup>1</sup>Per Memorandum Opinion and Order in MM Docket No. 86-29. Adopted February 26, 1991; released March 11, 1991.

# FIGURE 1

Suffa & Cavell, Inc.

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Study Name : Silver Lake, KS

Channel : 223A

Coordinates : N 39 6 12.0 W 95 51 36.0

Call City	File - number State	Chan Status	ERP HAAT	Latitude Longitude	Bear Zone	Dist Clear	Req'd (km)
KNGM EMPORIA	BLED 870127KA KS	*220A LIC	3.00 265	38 24 35.0 96 13 30.0	202.4 2	83.28 52.28	31.0
KSDBFM MANHATTAN	BLED 870504KA KS	*220A LIC	1.40 288	39 9 49.0 96 31 54.0	276.8 2	58.46 27.46	31.0 Comment
KWJC LIBERTY	BLED 810824AA MO	*220A LIC	0.18 166	39 14 52.0 94 24 46.5	82.2 2	126.07 95.07	31.0
KMZA SENECA	BPH 891102MJ KS	221A CP	4.30 377	39 49 49.0 96 2 40.0	349.0 2	82.25 51.25	31.0 Comment
KOEZ NEWTON	BLH 820708AK KS	222C1 LIC	100 638	38 1 9.0 97 23 1.0	228.2 2	179.22 46.22	133.0 Comment
D92-218 OLATHE	RM 8053 KS	222A PDEL		38 53 16.0 94 47 22.0	104.2 2	95.78 23.78	72.0
D92-218 OLATHE	RM 8053 KS	222C3 PADD		38 58 46.0 94 50 44.0	98.6 2	88.90 - .10	89.0 OK
KCCV-FM OLATHE	BPH 880421NH KS	222A CP	3.00 277	38 53 16.0 94 47 22.0	104.2 2	95.78 23.78	72.0 Comment
KDEE CAMERON	BMPH 900629IA MO	222A CPM	3.00 328	39 48 11.0 94 13 42.0	60.4 2	160.50 88.50	72.0 Comment
KEZO OMAHA	BLH 780724AH NE	222C LIC	100 1210	41 18 40.0 96 1 37.0	356.7 2	245.56 80.56	165.0
KQMA PHILLIPSBURG	BLH 840726CY KS	223C1 LIC	100 511	39 37 2.0 99 17 55.0	282.0 2	301.81 101.81	200.0 Comment
D92-218 TOPEKA	RM 8054 KS	223A PDEL		39 2 56.0 95 40 32.0	110.8 2	17.07 -97.93	115.0 SHORT*
D92-218 TOPEKA	RM 8053 KS	223A PDEL		39 2 56.0 95 40 32.0	110.8 2	17.07 -97.93	115.0 SHORT
D92-218 TOPEKA	RM 8054 KS	223C3 PADD		39 5 31.0 95 47 5.0	101.0 2	6.63 -135.37	142.0 SHORT c
KESC TOPEKA	BMPH 920602IG KS	223A CPM	6.00 292	39 2 56.0 95 40 32.0	110.8 2	17.07 -97.93	115.0 SHORT c
KSYN JOPLIN	BLH 5276 MO	223C1 LIC	100 430	37 4 10.0 94 32 49.0	152.7 2	253.45 53.45	200.0 Comment

\*TO CHANNEL 257A

Suffa and Cavell, Inc. - Consulting Engineers

# FIGURE 1

Suffa & Cavell, Inc.

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Date: 12/04/92

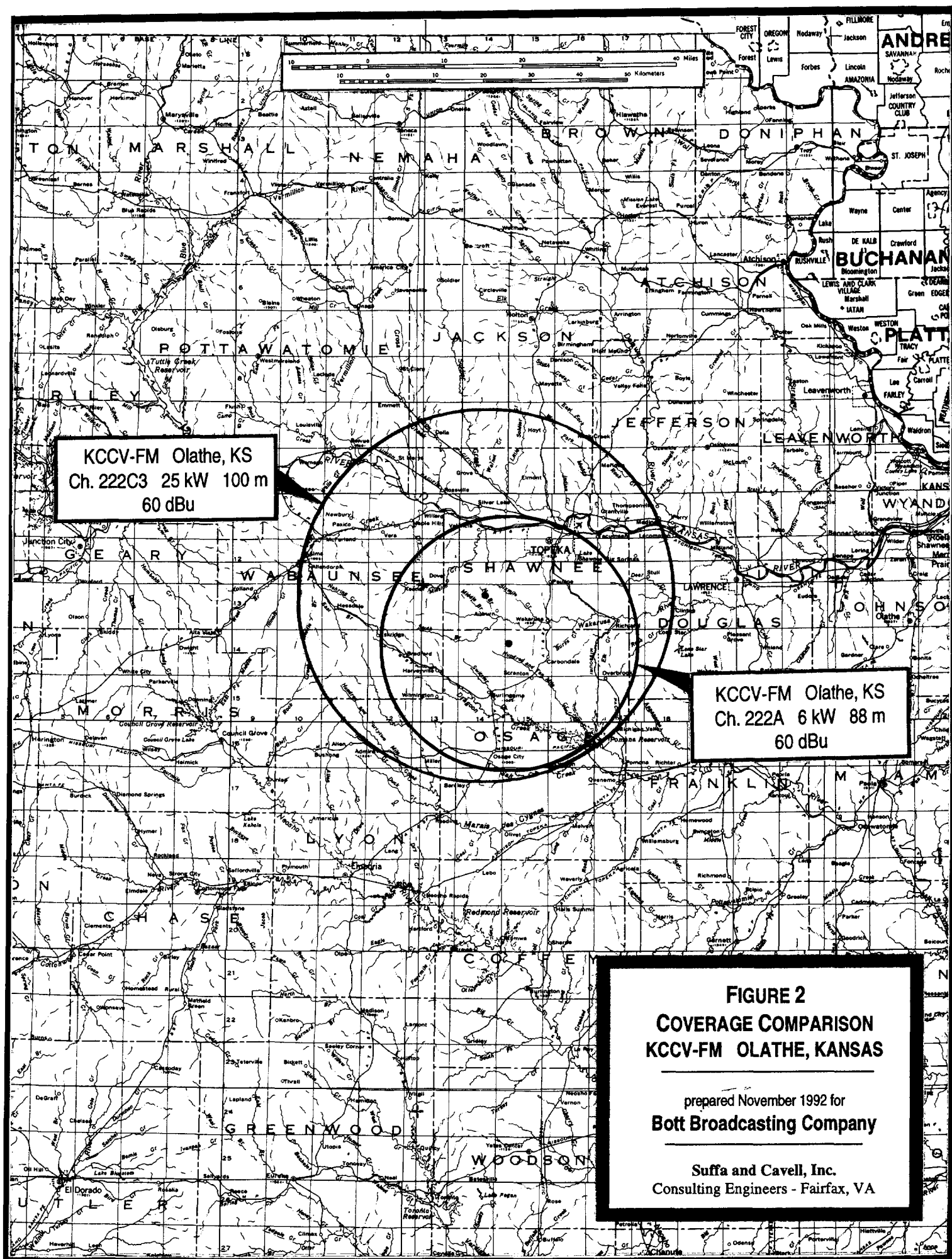
Study Name : Silver Lake, KS

Channel : 223A

Coordinates : N 39 6 12.0 W 95 51 36.0

Call City	File - number State	Chan Status	ERP HAAT	Latitude Longitude	Bear Zone	Dist Clear	Req'd (km)
KAYX RICHMOND	BLH 900806KC MO	223A LIC	2.35 535	39 11 14.0 93 50 3.0	86.3 2	175.38 60.38	115.0
KILS MINNEAPOLIS	BMPH 920225ID KS	224C2 CPM	50.0 492	39 0 52.0 97 37 42.0	266.9 2	153.38 47.38	106.0 Comment
KSJQ SAVANNAH	BLH 911003KA MO	224C2 LIC	50.0 492	39 58 34.0 94 58 37.0	37.7 2	123.09 17.09	106.0
KZOC OSAGE CITY	BLH 890925KE KS	225C2 LIC	36.0 564	38 31 47.0 96 5 9.0	197.1 2	66.63 11.63	55.0 CLOSE
KTGL BEATRICE	BLH 871019KB NE	225C1 LIC	100 809	40 31 6.0 96 46 7.0	334.0 2	175.32 100.32	75.0
KNDYFM MARYSVILLE	BLH 910128KB KS	276C3 LIC	9.00 384	39 52 12.0 96 44 45.0	318.6 2	114.25 102.25	12.0 Comment
KPRS KANSAS CITY	BLH 870522KA MO	277C LIC	100 995	39 0 57.0 94 30 24.0	94.3 2	117.54 88.54	29.0

End of Study





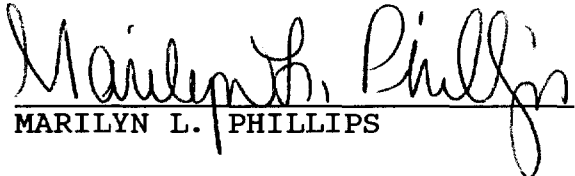
**CERTIFICATE OF SERVICE**

I, Marilyn L. Phillips, hereby certify that on this 8th day of December, 1992, copies of the foregoing **REPLY COMMENTS OF BOTT BROADCASTING COMPANY** were hand delivered or mailed, first class, postage prepaid, to the following:

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MARILYN L. PHILLIPS

\* Hand Delivered